



**COMMISSION MEETING MINUTES**  
**Tuesday, November 29, 2005**

**I. Call to Order**

Chair Steinberg called the meeting to order.

Chair Steinberg welcomed everyone to the November Mental Health Services Oversight and Accountability Commission.

**II. Roll Call**

Present were Commissioners Wesley Chesbro, F. Jerome Doyle, Saul Feldman, Linford Gayle, Mary Hayashi, Karen Henry, Gary Jaeger, Kelvin Lee, Andrew Poat, Darlene Prettyman, Mark Ridley-Thomas, Darrell Steinberg.

Absent at roll call were: Commissioners Carmen Diaz, Patrick Henning, and William Kolender.

Tricia Wynne represented Commissioner Lockyer, and Ivona Smith represented Commissioner Ridley-Thomas.

**III. Welcome & Purpose of Today's Session**

Chair Steinberg mentioned that a great deal of today's work is related to organizational issues involving the Commission. Tomorrow the focus will be on community services and supports.

Chair Steinberg provided a few brief updates prior to the organizational issues: a subcommittee of the Commission is interviewing potential applicants for the position of Executive Director. Chair Steinberg offered his appreciation to Richard Van Horn who has served as principal consultant/interim director and has spent much of his time doing yeoman's work. The Commission is moving in the direction to hire an Executive Director.

A short agenda item may be interposed tomorrow to discuss the hiring process for the Executive Director. Your subcommittee will be meeting early tomorrow morning to discuss the results of the interviews. The subcommittee may want to introduce some questions and process issues to the full Commission tomorrow.

Chair Steinberg reported on the housing issue. The technical team comprised of the Commission, Department of Mental Health, California Housing Finance Agency, the Corporation for Support of Housing, Lehman Brothers, private counsel, and the Attorney General's Office are working to answer the many technical questions that are involved in this proposal of using a percentage of the Mental Health Services Act Community Supports money and bond against it for capital formation in support of housing. Not all questions have been answered but preliminary findings show this is possible. There is ongoing communication with the Department, with CAL FHA,

and with the counties in which they are looking into how it might be possible to put together a proposal that will accomplish the goals and to ensure that all Californians with a mental illness has the opportunity for stable and supportive housing. A more comprehensive report will be forthcoming at the January meeting.

Chair Steinberg asked if there were any questions from the Commission around what the issues are. There were no questions.

#### **IV. Commission Session on By-Laws and Organizational Structure for the Commission**

##### **Chair Steinberg**

Chair Steinberg stated that an hour and a half is set aside to discuss the organization of the Commission. Although much time is spent working on these big initiatives it is important that the Commission organizes itself. Some committees have been organized along with their structure and selection of committee chairs. The Commission is in the process of hiring the Executive Director. There are unanswered questions regarding bylaws and rules and the operation of the Commission. Susan Sherry, facilitator, will help lead a discussion around these issues. No action will be taken today but the Commission will need to come to a consensus in order to propose this as an action item at the next meeting.

##### **Discussion:**

##### **Susan Sherry**

Ms. Sherry passed out copies of a draft of the Rules of Operation to the Commission and audience. She asked everyone to read through the draft since the Commission did not have this information prior to the meeting.

##### **Chair Steinberg**

Chair Steinberg introduced D. Shane Barnett from the Native American Indian Health Center, who will be making a brief presentation to the Commission.

##### **D. Shane Barnett**

Mr. Barnett welcomed the Commission on behalf of the Native American Health Center based. The Center appreciates the Commission's work and enjoys the partnership that has begun to form. As a gift, local seaweed was given to each of the Commissioners. It is indigenous to this area, and the Native American Health Center wanted to share with the Commission a bit of the local culture.

Commissioner Chesbro enumerated the importance of specificity, clarity, and detail, and explained that if someone doesn't understand something to please speak up. It is important that everyone is clear on what is being said. Chair Steinberg agreed with Commissioner Chesbro. He said the number one complaint he receives is that the Commission has not yet formed the organizational rules, and so even if it is a little tedious, this is necessary in order to continue to focus on the big picture.

Ms. Sherry said the purpose of this discussion is to set goals, procedures, and rules of operation. There are seven different sections. These sections won't be voted on today, but all thoughts and comments will be amassed into a clean copy. In January, this can be ratified or discussed again. The sections are as follows:

- **Goals and Aims of the Commission**

It was decided to add the words “oversight and accountability” as a means for holding counties accountable. Commissioner Chesbro stated that in the bylaws there is reference to “family and consumer driven”. He feels it should always be consumer first and always be family driven. Secondly, in Item B, a reference should be made to the goals of the Act. The definition of primary goals should be in accordance with the goals of the Act; however that is not specifically stated.

Chair Steinberg said the words “oversight and accountability” should be put into this section. Ms. Sherry stressed the importance of the Commission using its status to communicate. After some discussion it was decided that the Mental Health Services Act duties are well specified, therefore more specificity is not needed.

With respect to Item B, regarding the role of the Commissioners keeping the public informed of the progress being made to transform the Mental Health System, Commissioner Feldman said this is a formidable undertaking. He stated that he had not seen this before and he wondered if this was the responsibility of the Commission. It was explained that it is not a duty described in the law, but it was a very key point in the August retreat. All agreed that both the Department of Mental Health and the Commission need to be responsible for this and as the Commission grows this will be even more necessary.

Chair Steinberg stated that there would be a complete set of outcomes within the year. The first will be in effect as of January 1, 2006, and that’s the key event tracking device. And then after that, the Outcomes Taskforce Evaluation will work toward defining outcomes for the children’s program and older adults, as well as defining outcomes for things beyond the full service partnership cluster. As these get defined, and measures have been determined, the Commission feels a responsibility to provide this information throughout the State whether it is by newspapers, interviews, or publications.

- **Membership**

Membership needs to be in accordance with the code sections. There was discussion concerning the end of the specified one to three-year term where a member may be reappointed to subsequent term. It was stated that there should be no rights attached to the reappointment. Dr. Mayberg stated that one third of the positions need to be one year, one third needs to be two years, and one third needs to be three years. The Governor makes the length of the appointment. Dr. Mayberg stated that he is waiting to hear from specific individuals as to whether they will be able to guarantee to serve a one, two, or three-year term. Ms. Sherry thought that the wording should state that the Governor makes the decision on the length of time at the beginning and thereafter, when a position is filled, it will be for that specific timeframe. Ms. Sherry verified that B should be eliminated and A should be retained.

- **Meetings and Attendance**

Part A stipulates that the Commission shall, until a lesser frequency is appropriate, meet at least monthly except in December. The meetings shall be one and a half days or two depending on the decision by the Chair.

Chair Steinberg proposed a set schedule every month of Thursday afternoon through Friday afternoon. This will help ensure that Senator Chesbro and Assembly member Ridley-Thomas will be able to attend as stipulated in the Act. After much discussion, it was determined that the meetings will be stated in the Bylaws. The meetings will

be held beginning on Thursday afternoons and go through to Friday afternoons. Meeting times were tentatively set for 1:00 p.m. Thursday and until 3:00 p.m. Friday. The Commissioners will decide which Thursday/Friday of the month via email.

Part B - Follow the law. A concern was brought up that the language could be a little tighter rather than just following the law because it is Statute. The question was asked if the Act provides for a closed session. Dr. Mayberg stated that the Act does not provide for a closed session, but Bagley Keene under certain circumstances does provide for closed session.

Part C - Attendance. A question about what the term designated representative means was raised. Mr. Van Horn clarified that if a representative is present for a Commissioner that they should enter into the discussion, but they won't have the power to vote or have a seat at the table. Chair Steinberg said that a decision would not be made today on whether a designee could vote for the absent Commissioner until the Act could be legally defined.

Part D - It was decided that the term senior deputy in the Bylaws should be changed to designated staff person.

Part E - Absences. Commissioner Lee asked for a clarification on excused and unexcused absences. Chair Steinberg stated that if a member is not communicating, missing meetings, and if there is a consistent pattern, then the Chair will talk to the member and decide whether or not to speak to the appointing authority about a replacement. The appointing authority has the power to replace a commissioner, and the Chair, or the Director, or any member of the Commission can request this. Commissioner Poat suggested adding, under meetings and attendance, that each December the Commission will adopt a proposed calendar of meetings for the following year. Ms. Sherry said the Bylaws should state that it is the intent of the Commission for members to attend meetings regularly in order to handle business and the Chair has the discretion to go to the appointed authorities when someone is not handling their commitment. This empowers the Chair to make a judgment in the well being of the Commission. Commissioners agreed that this should be in the bylaws.

Part F - when the Commission can or cannot do business. Mr. Van Horn stated that a quorum of 11 is required to be present to approve prevention, early intervention, and innovation. Those things where the Commission has money control there must be a quorum of 11 out of 16.

Chair Steinberg asked to strike the word "ordinary" and substitute *other* for "other discussions".

Ms. Sherry asked Mr. Van Horn to speak to what kinds of ordinary discussions would be acceptable to have a simple majority. Mr. Van Horn pointed out that the Commission has the final word for prevention and early intervention program approvals and the innovation program approvals. It was his feeling that more than a simple majority of the Commission in the room at the time of the vote is needed.

Ms. Sherry stated that using this majority of the membership is consistent with how other committees operate. You must have at least 11 in the room to conduct the business and then you have to have nine votes to take action on items. The

Commission members were in agreement with 11 members being needed for a quorum.

Part G - It was agreed that G would be taken out completely because it is the discretion of the Chair to allot the appropriate time for the Director of Mental Health, Executive of the Directors' Association, and the Executive of the Planning Council to speak. This includes one hour for the public comment at every meeting.

- Part A and B - Parallel construction. It was requested to delete the word election. Officers, Chair and Vice Chair and how they are selected annually will be on the agenda at the first meeting of the calendar year.
- Part C. C should be omitted.
- Staff
  - Part A and B. The Commissioners decided that they wanted to in a general statement that the Executive Director needs to set goals and that the Commission will conduct an annual review of the Executive Director.
- Part C and D. It was decided to follow DPA rules.
- Running the Annual Budget - Mr. Van Horn said that the MHSOAC budget is a part of the State Budget; therefore, it proceeds through the Executive process. The Commissioners do not see the Governor's budget in advance. The Chair, the Executive Director, and the Director of the Department can propose, not control, this because it goes from the Department, to Finance, to the Governor's Office, and then to the Legislature.

Dr. Mayberg stated that Prop 63 created the Commission, along with a certain amount of autonomy and independence. However, it is in fact subject to budget committee review and whatever other negotiations go on between the Legislatures. Chair Steinberg declared the need for consultation ahead of time between representatives of the Commission and the Department to try to come together on recommendations as to what the budget should be.

Commissioner Poat stated that the Commission as a group can control what goes to the Director. Dr. Mayberg acknowledged that the input from the Commission to the Department is drafted, and then it gets approved by Finance in the Governor's Office before it gets submitted to Legislature. It may or may not look totally different from what the Commission and Department thinks it ought to look like, and yet, that's the reason for keeping our independent perspective and being prepared to comment on issues of disagreement.

Chair Steinberg stated that time will be made tomorrow to talk about the committee structure and the Bylaws. Enough checks and balances are in the system to allow the Commission to have a voice and to be able to fight for what is needed.

The meeting was adjourned.

*Minutes approved: 5/26/06*